

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America)
)
) Cr. No. 3:09-288
vs.)
)
Terrence D. McLamore,)
)
)
Defendant.)

)

O R D E R

This matter is before the court on Defendant Terrence D. McLamore's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), which motion was filed on June 30 2021. Defendant asserts that he received an enhanced sentence under the Armed Career Criminal Act of 180 months for a crime – attempted carjacking – that, under current law, would not subject him to an enhanced sentence. See United States v. Taylor, 979 F.3d 203 (4th Cir. 2020)(holding that certain crimes of violence, such as Hobbs Act robbery, federal bank robbery, and carjacking are not crimes of violence under 18 U.S.C. § 924(c) because they can be committed without the use or attempted use of physical force). Defendant argues that the sentencing disparity entitles him to relief.

The government filed a motion to stay and suspend briefing on July 19, 2021. The government states that the United States Supreme Court has granted the government's petition for writ of certiorari with respect to Taylor. The government moves the court to hold Defendant's motion for compassionate release in abeyance pending a decision from the Court. Defendant filed a response in opposition on July 26, 2021. Defendant contends that a stay would not serve the interests of justice. Defendant states he has served eleven years in prison, in excess of the ten year maximum sentence he would face under current law. Further, Defendant argues that Taylor is the

law in this Circuit and the mere granting of the government's petition does not negate the holding in Taylor.

The court agrees with Defendant that Taylor is binding precedent that the court must follow. As Defendant observes, numerous courts in this Circuit have granted relief pursuant to Taylor. Granting a stay would deprive Defendant of the ability to seek the same relief when the law in this Circuit has not changed. The government's motion to stay and suspend briefing (ECF No. 167) is **denied**. The government is directed to respond to Defendant's motion for compassionate relief within fourteen (14) days of the date of entry of this order.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 20, 2021